

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 28, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HOPE D.,

v.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:20-CV-3125-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 22. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Leisa A. Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 22**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the Appeals Council will first determine the appropriate administrative action to be taken: whether a favorable decision can be issued based on the evidence of record or whether further development of the record and a

1 new Administrative Law Judge (ALJ) decision is necessary. If the Appeals
2 Council determines a decision cannot be issued on the evidence of record, the
3 Appeals Council shall remand the case to an ALJ for a new hearing and new
4 decision. The ALJ is directed to: (1) reevaluate the medical evidence, including
5 Plaintiff's cholinergic urticarial impairment; (2) reevaluate the medical opinion
6 evidence; (3) obtain a medical expert, if necessary; (4) reassess Plaintiff's
7 subjective complaints and residual functional capacity; (5) as needed, obtain
8 supplemental vocational evidence; (6) reassess whether Plaintiff could perform
9 past relevant work or other jobs existing in the national economy; and (7) take any
10 further action needed to complete the administrative record.

11 2. **Judgment shall be entered for PLAINTIFF.**

12 3. Plaintiff's Motion for Summary Judgment, **ECF No. 18**, is
13 **STRICKEN AS MOOT.**

14 4. An application for attorney fees and costs may be filed by separate
15 motion.

16 The District Court Executive is directed to enter this Order, forward copies
17 to counsel, and **CLOSE THE FILE.**

18 DATED May 28, 2021.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE